

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY AUGUST 21, 2013

**SENATE BILL**

**No. 345**

---

**Introduced by Senator Evans**

February 20, 2013

---

An act to amend ~~Sections~~ *Section* 6140 and ~~6140.01~~ of, and to add ~~Section~~ *Sections* 6034 and 6140.03 to, the Business and Professions Code, relating to attorneys.

LEGISLATIVE COUNSEL'S DIGEST

SB 345, as amended, Evans. Attorneys: annual membership fees.

Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation. The State Bar is governed by a board of trustees. Existing law, until January 1, 2014, requires the board to charge an annual membership fee for active members of up to \$315 for 2013 and to allocate \$20 of that fee to support nonprofit organizations that provide free legal services to persons of limited means, except as specified. *Existing law requires the board to charge an annual membership fee for inactive members of up to \$75. Existing law requires the State Bar, until January 1, 2014, to allocate \$20 of those fees to support nonprofit organizations that provide free legal services to persons of limited means, except to the extent that a member elects not to support those activities.*

This bill would, until January 1, 2015, require the board to charge ~~that the~~ annual membership fee for active members *described above*. ~~The bill would increase the allocation to nonprofit organizations described above to \$30 and would delete the January 1, 2014, inoperative provision, thereby making the allocation operative~~

~~indefinitely.~~ The bill would require the board to increase each of the annual membership fees described above by an additional \$30, to be allocated only to support nonprofit organizations that provide free legal services to persons of limited means, except to the extent that a member elects not to support those activities. The bill would require that the invoice provided to members for payment of the annual membership fee provide each member the option of deducting \$30 from the annual membership fee if the member elects not to have this amount allocated for the purposes described above.

Existing law generally authorizes the Controller to offset any amount due a state agency from a person or entity against any amount owing the person or entity by any state agency, as specified, and requires the Controller, in conjunction with the Franchise Tax Board, to develop a program to provide for multiple offsets to various participating state agencies, as specified.

This bill would authorize and direct the State Bar of California to participate as a state agency in the program described above for the collection of specified fines, penalties, assessments, costs, or reimbursements owed to the State Bar of California.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6034 is added to the Business and
- 2 Professions Code, to read:
- 3 6034. The State Bar of California is authorized and directed
- 4 to participate as a state agency in the Interagency Intercept
- 5 Collections Program established pursuant to Section 12419.2 of
- 6 the Government Code for the collection of any unpaid amounts
- 7 owed to the State Bar of California, including any fine, penalty,
- 8 assessment, cost, or reimbursement imposed under Section
- 9 6086.10, subdivision (c) of Section 6140.5, and any other
- 10 applicable law. All funds received by the State Bar of California
- 11 shall be allocated for the purposes established pursuant to Section
- 12 6033.
- 13 SEC. 2. Section 6140 of the Business and Professions Code is
- 14 amended to read:

1     6140. (a) The board shall fix the annual membership fee for  
2 active members for 2014 at a sum not exceeding three hundred  
3 fifteen dollars (\$315).

4     (b) The annual membership fee for active members is payable  
5 on or before the first day of February of each year. If the board  
6 finds it appropriate and feasible, it may provide by rule for payment  
7 of fees on an installment basis with interest, by credit card, or other  
8 means, and may charge members choosing any alternative method  
9 of payment an additional fee to defray costs incurred by that  
10 election.

11     (c) This section shall remain in effect only until January 1, 2015,  
12 and, as of that date, is repealed, unless a later enacted statute, that  
13 is enacted before January 1, 2015, deletes or extends that date.

14     *SEC. 3. Section 6140.03 is added to the Business and*  
15 *Professions Code, to read:*

16     6140.03. (a) *The board shall increase each of the annual*  
17 *membership fees fixed by Sections 6140 and 6141 by an additional*  
18 *thirty dollars (\$30), to be allocated only for the purposes*  
19 *established pursuant to Section 6033, except to the extent that a*  
20 *member elects not to support those activities.*

21     (b) *The invoice provided to members for payment of the annual*  
22 *membership fee shall provide each member the option of deducting*  
23 *thirty dollars (\$30) from the annual membership fee if the member*  
24 *elects not to have this amount allocated for the purposes*  
25 *established pursuant to Section 6033.*

26     ~~SEC. 3. Section 6140.01 of the Business and Professions Code~~  
27 ~~is amended to read:~~

28     ~~6140.01. (a) Thirty dollars (\$30) of the annual membership~~  
29 ~~fee authorized pursuant to Sections 6140 and 6141 shall be~~  
30 ~~allocated for the purposes established pursuant to Section 6033,~~  
31 ~~except to the extent that a member elects not to support those~~  
32 ~~activities.~~

33     ~~(b) The invoice provided to members for payment of the annual~~  
34 ~~membership fee shall provide each member the option of deducting~~  
35 ~~thirty dollars (\$30) from the annual membership fee if the member~~  
36 ~~elects not to have this amount allocated as provided in this section.~~

37     ~~(c) The allocation pursuant to this section shall be known as the~~  
38 ~~Temporary Emergency Legal Services Voluntary Assistance~~  
39 ~~Option.~~

O